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20 *Attorneys for Plaintiff Leon Mark Kizer*

21 **UNITED STATES DISTRICT COURT**
22 **DISTRICT OF NEVADA**

23 Leon Mark Kizer,

24 Plaintiff,

Case No. 3:15-cv-00120-RCJ-WGC

25 v.

26 PTP, INC., et al.

27 Defendants.

28 **STIPULATION AND ORDER TO SUBSTITUTE REAL PARTIES IN INTEREST FOR THE ORIGINALLY
NAMED OWNERSHIP INTERESTS AND TO AMEND CAPTION**

29 The parties, by and through their respective counsel, have agreed and hereby
30 stipulate, pursuant to Local Rules 6-2, and 7-1, to making the following substitutions of parties
31 for the reasons so indicated. Further, the parties, by and through their respective counsel,
32 have agreed and hereby stipulate, pursuant to Local Rules 6-2, and 7-1, to amend the caption

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1 of this matter to comport with the substitution of parties stipulated to herein.¹

2 1. Patrice Elliot of 118 Walker Street is, on information and belief, deceased. The parties
3 hereby stipulate to substitute the Estate of Patrice Elliot for the natural person of
4 Patrice Elliot, as this interest was originally named, and to amend the caption to reflect
5 this change.

6 2. Polly Ann Mears of 50 Conner Way is, on information and belief, deceased. Polly Ann
7 Mears owned this property as Trustee of Trust A, the Survivor's Trust, created under
8 the MEARS FAMILY TRUST, dated April 29, 1998. Penny Hunter is the successor trustee
9 of Trust A, the Survivor's Trust, created under the MEARS FAMILY TRUST, dated
10 April 29, 1998. Ms. Hunter, in her individual capacity, is also the record owner of this
11 property pursuant to a Grant, Bargain and Sale Deed recorded with the Douglas
12 County Assessor's Office on or about July 21, 2009 as document number 0747464. The
13 parties hereby stipulate to substitute Penny Hunter for the natural person of Polly Ann
14 Mears, as this interest was originally named, and to amend the caption to reflect this
15 change.

16 3. Laurence Carmagnola of 256 Walker Street is, on information and belief, deceased.
17 The parties hereby stipulate to substitute the Estate of Laurence Carmagnola, which
18 has appeared through his counsel of record, Early Sullivan Wright Gizer & McRae LLP,
19 for the natural person of Laurence Carmagnola, as this interest was originally named,
20 and to amend the caption to reflect this change.

21 4. Tami Johnstone, previously named as "Dale and Tami Johnstone," of 24 Scott Street
22 conveyed her interest in this property to Dale Johnstone via a Quit Claim Deed
23 recorded with the Douglas County Assessor's Office on or about April 28, 2015 as
24 document number 2015-861113. The parties hereby stipulate to remove her name
25 from the caption and to deem Dale Johnstone's appearance in this matter, through his

27 ¹ FRCP 25 provides for the substitution of parties on motion. As all of the ownership interests affected by
28 this stipulation have yet to be served or appear in this matter, this stipulation appears to be most efficient and
economical method to accomplish what is essentially the clerical task of amending the way in which eight of the
approximately 240 ownership interests at issue are identified herein.

- 3 5. Jay and Katherine Shumaker of 253 Mark Street transferred their entire interest in this
4 property to Cheri Donahue via a Sublease recorded with the Douglas County Assessor's
5 Office on or about June 13, 2014 as document number 0844499. The parties hereby
6 stipulate to substitute Cheri Donahue for Jay and Katherine Shumaker, as this interest
7 was originally named, and to amend the caption to reflect this change.
- 8 6. Elizabeth Lapp of 277 Walker Street is, on information and belief, deceased. The
9 parties hereby stipulate to substitute the Estate of Elizabeth Lapp, which has appeared
10 through her counsel of record, Early Sullivan Wright Gizer & McRae LLP, for the natural
11 person of Elizabeth Lapp as this interest was originally named, and to amend the
12 caption to reflect this change.
- 13 7. Randall Stephens of 232 Walker Street is, on information and belief, deceased. The
14 parties hereby stipulate to substitute the Estate of Randall Stephens, which has
15 appeared through his counsel of record, Early Sullivan Wright Gizer & McRae LLP, for
16 the natural person of Randall Stephens, as this interest was originally named, and to
17 amend the caption to reflect this change.
- 18 8. The property located at 274 Mark Street is owned by an entity named 274 Mark, LLC.
19 This entity was originally named herein as 274 Mark Street, LLC. The parties hereby
20 stipulate to substitute 274 Mark, LLC, which has appeared through its counsel of
21 record, Early Sullivan Wright Gizer & McRae LLP, for 274 Mark Street, LLC as this
22 interest was originally named, and to amend the caption to reflect this change.
- 23 9. Dale and Leila Kleen of 232 Walker Street, are on information and belief, deceased.
24 The parties hereby stipulate to substitute Matt Kleen as successor trustee for the
25 Kleen Family Trust, who has appeared through his counsel of record, Early Sullivan
26 Wright Gizer & McRae LLP, who is the sublessee of record, and to amend the caption
27 to reflect this change.
- 28 10. Mitchell and Angela Powell are the sublessees of record for the property located at

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1 114 Walker Street. The parties hereby stipulate to substitute Mitchell and Angela
2 Powell, who have appeared through their counsel of record, Early Sullivan Wright Gizer
3 & McRae LLP, for Mitchell Powell as this interest was originally named, and to amend
4 the caption to reflect this change.

5 11. Louis and Josephine Perri are the sublessees of record for the property located at 106
6 Mark Street. The parties hereby stipulate to substitute Louis and Josephine Perri, who
7 have appeared through their counsel of record, Early Sullivan Wright Gizer & McRae
8 LLP, for Louis Perri as this interest was originally named, and to amend the caption to
9 reflect this change.

10 12. John Miller of 245 Walker Street is, on information and belief, deceased. The parties
11 hereby stipulate to substitute the Estate of John Miller for the natural person of John
12 Miller, which has appeared through his counsel of record, Early Sullivan Wright Gizer &
13 McRae LLP, as this interest was originally named, and to amend the caption to reflect
14 this change.

15 13. Patrick O'Hara of 25 Conner Way is, on information and belief, deceased. The parties
16 hereby stipulate to substitute the Estate of Patrick O'Hara, which has appeared
17 through his counsel of record, Early Sullivan Wright Gizer & McRae LLP, for the natural
18 person of Patrick O'Hara, as this interest was originally named, and to amend the
19 caption to reflect this change.

20 14. Merna Simpson of 3 Scott Street is, on information and belief, deceased. The parties
21 hereby stipulate to substitute the Estate of Merna Simpson, which has appeared
22 through her counsel of record, Early Sullivan Wright Gizer & McRae LLP, for the natural
23 person of Merna Simpson, as this interest was originally named, and to amend the
24 caption to reflect this change.

25 15. Karen Hall and Regina Littlebeaver are the sublessees of record for the property
26 located at 11 Scott Street. The parties hereby stipulate to substitute Karen Hall and
27 Regina Littlebeaver, who have appeared through their counsel of record, Early Sullivan
28 Wright Gizer & McRae LLP, for Karen and Littlebeaver Hall as this interest was

1 originally named, and to amend the caption to reflect this change.

2 16. Dirk Jansse is an additional sublessee of the property located at 274 Walker Street and
3 has appeared through his counsel of record, Early Sullivan Wright Gizer & McRae LLP.
4 The parties hereby stipulate to add Dirk Jansse to the caption.

5 17. Sarah Henderson is an additional sublessee of the property located at 12 Scott Street
6 and has appeared through her counsel of record, Early Sullivan Wright Gizer & McRae
7 LLP. The parties hereby stipulate to add Sarah Henderson to the caption.

8 18. Jennifer Rodgers, of 112 Walker Street, has gotten married subsequent to the
9 commencement of this matter and has changed her last name to "Wilgers." The
10 parties hereby stipulate to amend the caption to indicate the change in her last name.

11 19. Attached hereto as **Exhibit 1** is a proposed amended caption reflecting the changes in
12 paragraphs 1-5 hereinabove. If this Court signs this Stipulation and Order, the
13 proposed amended caption comprising **Exhibit 1** shall be used on all documents filed
14 with this Court after such time as this Court signs this Stipulation and Order.

15 Dated: November 30, 2015.

16 LEMONS, GRUNDY & EISENBERG
17 *Attorneys for Plaintiff*

18
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21 Richard G. Verlander (#12887)
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27 By: /s/ Kelly R. Chase
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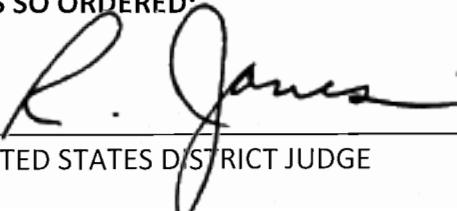
4 By: /s/ Justin M. Clouser
5 Justin M. Clouser, Esq.
5 Attorney for PTP, Inc. et al.
6

By: /s/ Francis C. Flaherty
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Casey A. Gillham, Esq.
Attorneys for Pine View HOA

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10 By: /s/ Joan C. Wright
11 Joan C. Wright, Esq.
11 James R. Cavilia, Esq.
12 Attorney for Title Resources,
12 John Gerken, Cindy Gerken,
13 Gregory Gerken, Max Hoseit
14

15 IT IS SO ORDERED:
16

17 
17 UNITED STATES DISTRICT JUDGE
18

19 DATED: This 3rd day of December, 2015.
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26 & EISENBERG
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INDEX OF EXHIBITS

<i>Exhibit No.</i>	<i>Description</i>	<i>Length of Exhibit</i>
1	Proposed Amended Caption	3 pages

EXHIBIT 1

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20 *Attorneys for Plaintiff Leon Mark Kizer*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Leon Mark Kizer,

Plaintiff,

v.

PTP, Inc.; William and Karen Archer;
Christine Armenta; Tony and Diane Azevedo;
Donald Bates; Christopher and Marie Beebie;
Peter Beekhof Jr.; Edward and Johanna
Bellesiles; James Betts; Kathleen Biase;
Betty Birnbaum; Diane Blair;
Timothy and Annelore Brisson; Phillip and
Sylvia Brown; Francis and Aileen Brun;
John and Marcia Burbeck; Robert Burgoon;
Justin Burks; Michael Butram;
Larry Cameron; Lauren Campo; Gerald and
Constance Caperton; Anna
Carmagnola; the Estate of Laurence
Carmagnola; Spencer Case; John Castaneda;
Alfred and Virginia Castro; Denny Cavnar;
Sara E. Center; Henry Ceresa; Vicki Christensen;
Steven Clark; Robin Clark; Sharon Clark; Robert
Coble; Leon and Patricia Coley; Stanley and
Loretta Conner; Jay and Henrietta Conyers;
Lois Cordeiro; Richard and Barbara Cropper;

Case No. 3:15-cv-00120-RCJ-WGC

PROPOSED AMENDED CAPTION

1 George Cummings; Donald Damotte;
 2 David Davis; Stephen Dickerson; Cheri
 3 Donahue; Christopher and Jenifer Eckert;
 4 Daryl and Rebecca Elizalde; Robert
 5 Elliott; the Estate of Patrice Elliot;
 6 Gerald and Judith Enderle; Jason Ensminger;
 7 Brian and C.V. Etheridge; Roland Faiferek;
 8 Roland and Lee Faiferek; Fabiola Fernandez;
 9 Mary Fesko; Steven Figueroa; Paul E. Fleury
 and Phyllis E. Rhoden; Michael and
 10 Linda Foster; Ramona Freedman; Angelo
 Fricano; Marty and Barbara Furry; Elaine
 11 Marie Gehr; James and Vicki Gennarini; John
 and Cindy Gerken; Gregory and John Gerken;
 12 Gabriel and Jan Gonsalves; Osvaldo and Erika
 13 Gonzalez; Roger and Lynne Griggs; Carmen
 Gristi; Bret and Mandee Guariglia; John and
 14 Pamm Hagopian; Karen Hall; Regina Littlebeaver
 15 Jamie and Susan Halliday; Donna Haney;
 16 Paul S. Hanson and Megan M. Stewart;
 17 Karla A. Henry; Rachel Heyen;
 18 John and Josephine Heza; Andrew and
 Theresa Hickman; Jeffrey Hill;
 19 Jill Hisao; Max Hoseit; Stephen and Leinani
 Hosmer; Chris and Joyce Howell; Janet
 20 Humphrey; Harry and Mary Lu Hunt; Brandon
 and Elizabeth Isenhart; Donald and Bonnie
 Jackson; Maryann and Bobby Jensen; Kirk and
 21 Gina Johnson; Dale Johnstone; Charlie
 Jones; Christy Kegg; Gary and Susan Kendrick;
 Matt Kleen, as successor trustee for the Kleen
 22 Family Trust; John Knappenberger; Ella
 Laden; Robert Lapp; the Estate of Elizabeth Lapp;
 23 Kyle Larsen; Emanuel Latorre; Chad Lawrence;
 Sherrie and Kevin Lindquist; David Macgillivray;
 24 Jose and Maria Magana; Daniel and Geraldine
 Maldonado; Francisco and Louise Marin; Trevor
 McCanless; John and Constance McCarthy;
 Evelyn McClain; Joyce McKernan; Penny Hunter;
 25 Jason R. Meindl and Krystle M. Pierce;
 David and Victoria Messer; Linda Miller; the
 Estate of John Miller; Anne Moran; Tracey Morris;
 26 Christopher Mullin; Francis and Stella Murray;
 Ray and Alberta Myers; Patricia Neyman;
 27 Sharon Nicholas; Julie Nicholson; Sharon Norman;
 Alice Norton; Elizabeth O'Hara; the Estate of Patrick
 O'Hara; John and Mary Olson; Vince Pacheco;
 28 Richard Padilla; Jean Pagendarm; Michelene Pease;
 Louis and Josephine Perri; Donald and Amy Poole;
 Mitchell and Angela Powell; Joseph M. and Jean D.
 Presto; John Redd; Daniel and Christina Reinholtz;
 Steve and Stefnie Rippe; Jennifer Wilgers f/k/a Rodgers;
 John Rodman; Reinalda Rodriguez; Joaquin Rodriguez-
 Ruvalcaba; Keith Rollin; Lepolian and Paula Rose;

1 Frank Ross; Ed and Nazzi Sabouri; Wendy Sands;
2 Robert and Linda Sanfilippo; Wayne M. and Sharon
3 L. Sharrar Revocable Trust; Melvin and Pearl
4 Schmidt; Paul and Kathy Schmidt; Robert Shorback;
5 Cheri Donahue; the Estate of Merna Simpson;
6 Richard Simpson; Theresa Simpson; James and
7 Carolyn Skeins; Carmen Skelton; Steve Smit;
8 Erick Smith; Robert and Eleanor Smith;
9 R. James and Barbara Smith; Douglas
10 and Victoria Steed; April Stephens; the Estate of
11 Randall Stephens; Bayne and Frances Stevens;
12 Edward and Sharon Stevens; Mindy Stevenson;
13 Douglas and Kathleen Stimpson; Robert Stone;
14 Marie Sutton; Chris Swanson; Josephine Taylor;
15 Michael Teeuwen; Steven and Sharon Thompson;
16 Ronald and Melba Tiffee; Charles and Cynthia
17 Tisdale; Santiago and Carmen Valadez; Paul
18 Vechil; Debra Veselitz; Robert and Francis
19 Voudy; Russell and Betty Jo Wailes; Doris
20 Watts; Stephen Wilken; Laurence and Danielle
21 Wilson; Elaine Zolkos; Sarah Henderson; Dirk Jansse;
22 Cedar Flats Ventures LLC; R & C Ventures LLC;
23 Johnson Development LLC; 274 Mark, LLC;
24 First Horizon Home Loans; and Pine View Estates
25 Home Owners Association; Topaz Lodge Inc., and
26 The Bureau of Indian Affairs;

Defendants.
